

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY

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DATE FILED: 9/12/07

CENTAURI SHIPPING, LTD.,

Plaintiff,

-v-

WESTERN BULK CARRIERS KS, WESTERN
BULK CARRIERS AS, and WESTERN BULK AS,

Defendant.

Case No. 07 Civ. 4761 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

The Court having conducted a post-attachment hearing pursuant to Supplemental Admiralty Rule E(4)(f) on September 5, 2007 and having ruled on the record in open court on September 7, 2007 that the Court's June 5, 2007 Ex Parte Order for Process of Maritime Attachment and Garnishment and June 15, 2007 Order providing for the substitution of attached funds with a surety bond be vacated on the basis that the technical requirements for issuance of the June 5, 2007 Ex Parte Order pursuant to Supplemental Admiralty Rule B(1)(a) were not met because the Defendant, Western Bulk Carriers K/S was, in fact, present in the District on June 5, 2007 for purposes of Supplemental Admiralty Rule B, both jurisdictionally, by virtue of its June 22, 2005 registration with the New York Secretary of State, Department of Corporations to conduct business in the State of New York, and readily in terms of its amenability to accept service of process by virtue of its June 22, 2005 appointment of a designated agent for service of process within the District,

IT IS ORDERED that the Court's June 5, 2007 Ex Parte Order for Process of Maritime Attachment and Garnishment and June 15, 2007 Order providing for the substitution of attached

funds with a surety bond be and hereby are vacated;

IT IS FURTHER ORDERED that after the expiration of 10 days from the date this Order is entered on the Court's docket the Plaintiff shall return to the Defendant, Western Bulk Carriers K/S, the surety bond it posted on June 15, 2007;

IT IS FURTHER ORDERED that the Plaintiff shall advise the Court by September 17, 2007 if it intends to file an Amended Complaint setting forth a proper jurisdictional basis for its claims in this Court.

Dated: September 12, 2007
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE